

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JC879 U.S. PRO
10/10/01 18232
01/15/02



In re application of

Helmut SCHWAB et al.

Serial No. [NEW] : Attn: APPLICATION BRANCH

Filed January 16, 2002 : Docket No. 2001_1882A

NEW GENES CONTAINING A DNA
SEQUENCE CODING FOR HYDROXY-
NITRILE LYASE, RECOMBINANT
PROTEINS DERIVED THEREFROM AND
HAVING HYDROXYNITRILE LYASE
ACTIVITY, AND USE THEREOF

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents,
Washington, DC 20231

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicants request
consideration of [X] the references listed on attached form PTO-1449 and/or [] the additional
information identified below in paragraph 3. A legible copy of each reference listed on the form
PTO-1449 and each U.S. patent application listed below is enclosed, except a copy is not
provided for each reference previously cited by or submitted to the Patent Office in prior parent
application Serial No. _____.

1a. This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-
entitled application, or

before the mailing date of the first Office Action on the merits,

and thus no certification and/or fee is required.

1b. This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:

(1) the certification of paragraph 2 below is provided, or

(2) the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

1c. This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

the certification of paragraph 2 below is provided, and

the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

1d. Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this information was not received by any individual designated in 37 CFR 1.56(c) more than 30 days prior to the filing of this Information Disclosure Statement. Accordingly, this application is entitled to the protection of 37 CFR 1.704(d) with regard to the filing of this Information Disclosure Statement.

2. It is hereby certified

a. that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or

b. that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.

3. Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.
4. For each non-English language reference listed on the attached form PTO-1449, reference is made to:
 - a. a full or partial English language translation submitted herewith,
 - b. a foreign patent office search report (in the English language) submitted herewith,
 - c. the concise explanation contained in the specification of the present application at pages ____,
 - d. the concise explanation set forth in the attached English language abstract,
 - e. the concise explanation set forth below or on a separate sheet attached to the reference:
5. A foreign patent office search report citing one or more of the references is enclosed.
6. Applicants offer the following comments for the Examiner's consideration:

U.S. 6,046,042 submitted herewith corresponds to WO97/03204 discussed on page 1 of the present specification.

Respectfully submitted,

Helmut SCHWAB et al.

By Matthew Jacob
Matthew Jacob
Registration No. 25,154
Attorney for Applicants

MJ/pjm
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
January 16, 2002

FORM PTO 1449 (modified)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICELIST OF REFERENCES CITED BY APPLICANT(S)
(Use several sheets if necessary)

Date Submitted to PTO: January 16, 2002

ATTY DOCKET NO.
2001-1882ASERIAL NO.
[NEW]APPLICANT
Helmut SCHWAB et al.FILING DATE
January 16, 2002

GROUP

JC879 U.S. PTO
10/01/02
01/16/02
01/16/02

U.S. PATENT DOCUMENTS

| *EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|-------------------|----|-----------------|--------|-------------------|-------|----------|----------------------------|
| | AA | 6,046,042 | 4/2000 | Hasslacher et al. | | | |
| | AB | | | | | | |
| | AC | | | | | | |
| | AD | | | | | | |
| | AE | | | | | | |
| | AF | | | | | | |
| | AG | | | | | | |
| | AH | | | | | | |
| | AI | | | | | | |

FOREIGN PATENT DOCUMENTS

| | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION YES NO |
|--|----|-----------------|------|---------|-------|----------|-----------------------|
| | AJ | | | | | | |
| | AK | | | | | | |
| | AL | | | | | | |
| | AM | | | | | | |
| | AN | | | | | | |

OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

| | | |
|--|----|---|
| | AO | Suelves et al., Planta, Vol. 206, pp. 388-393 (1998) |
| | AP | Hu et al., Plant Physiology, Vol. 119, pp. 1535-1546 (1999) |
| | AQ | |

EXAMINER

DATE CONSIDERED